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June 16, 2023

**VIA ECF**

Honorable Cheryl L. Pollak  
United States Chief Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Carlton Roman v. City of New York, et al.  
22-cv-6681 (NGG) (CLP)

Your Honor:

I represent defendants in the above-referenced matter. In that capacity, I write to address a number of misstatements made in Plaintiff's letter filed earlier today and sincerely apologize to the Court for having to burden Your Honor with yet another letter in this case. I also write to advise the Court of the undersigned's upcoming availability for a Court conference to discuss next steps regarding discovery.

As Your Honor is aware, on June 14, 2023, Judge Garaufis issued an order denying Defendants' Rule 72 Motion. In that decision, Judge Garaufis ordered that discovery may proceed on Plaintiff's non-Monell claims, that certain depositions pertaining to Plaintiff's Monell claims may proceed in the manner described during the March 1, 2023 pre-motion conference, and the parties contact Your Honor to discuss next steps regarding discovery. (Docket Entry No. 47)

Within minutes of the June 14, 2023 Court Order, Plaintiff's counsel contacted the undersigned to discuss the Court's Order; in response, the undersigned stated that she had not yet had an opportunity to fully review the Order but would respond to him in the next day or two. Notwithstanding, earlier today, Plaintiff's counsel filed a letter with the Court and stated that their office has not been able to schedule any depositions in this matter due to my continued unavailability and purported position that Judge Garaufis's Order is unclear. As an initial matter, with respect to depositions, that is inaccurate as Ms. Vacchs's deposition is scheduled for July 10, 2023.<sup>1</sup>

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<sup>1</sup> The undersigned, however, feels compelled to note that, once again, Plaintiff's counsel scheduled this deposition without conferring with the undersigned regarding her schedule, in violation of

In addition, to clarify regarding my unavailability, for several weeks, I have advised Plaintiff's counsel on several occasions, that due to the trial in the matter Lambros Vassiliou v. City of New York, et al., 18-cv-779, which was scheduled to begin in the Eastern District of New York on June 20<sup>th</sup> before Judge Komitee and last for approximately two weeks, and a pre-scheduled vacation immediately following, the undersigned's availability during these weeks was going to be extremely limited, especially during the trial. Just late this afternoon, however, the Vassiliou matter resolved and accordingly, I am now more readily available for a conference to discuss next steps regarding discovery over the next several weeks.<sup>2</sup>

As to Plaintiff's misstatement that I purportedly stated to Plaintiff's counsel that Judge Garaufis's June 14, 2023 Order was unclear, I want to clarify that I informed Plaintiff's counsel that it was unclear whether DA Katz's deposition would proceed at this time as her deposition is inconsistent with Judge Garaufis's March 1, 2023 Order. Nevertheless, Defendants anticipate that this issue, among others, will be discussed at an upcoming conference with Your Honor.

Defendants thank the Court for its time and consideration herein and again apologize for burdening the Court with yet another letter. As noted above, the undersigned is now available to appear for a conference over the next two weeks, on a date convenient for the Court.

Respectfully submitted,

/s/ Seema Kassab  
Seema Kassab  
*Assistant Corporation Counsel*  
Special Federal Litigation Division

cc: Via ECF  
All counsel of record

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Your Honor's May 25, 2023 Order, and unilaterally chose the July 10<sup>th</sup> date. Fortunately, however, the undersigned is available for the date Plaintiff's counsel chose.

<sup>2</sup> I will be out of town on pre-scheduled the vacations the first week of July and the first two weeks of August.